



In the Supreme Court of the United States

OCTOBER TERM, 1962

No. 850

**2,872.88 ACRES OF LAND, MORE OR LESS, SITUATE IN
CLAY AND QUITMAN COUNTIES, STATE OF GEORGIA,
AND FRANK HUMBER, ET AL., PETITIONERS**

v.

UNITED STATES OF AMERICA

**1,361.09 ACRES OF LAND, MORE OR LESS, SITUATE IN
CLAY COUNTY, STATE OF GEORGIA, AND CAROLYN
GAVIN GIBSON, ET AL., PETITIONERS**

v.

UNITED STATES OF AMERICA

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT**

MEMORANDUM FOR THE UNITED STATES

This case presents questions relating to the sufficiency of the report of a commission awarding com-

pensation in a land condemnation proceeding. The rule adopted by the decision below, which the United States supports, is that such commissions must file meaningful reports showing the facts found and the law applied in reaching an award. That holding, however, is in direct and avowed conflict with the decision of the Court of Appeals for the Tenth Circuit in *United States v. Merz*, 306 F.2d 39, from which the United States has petitioned for certiorari (No. 790, this Term). For the reasons more fully set forth in that petition, we think the questions presented are important and require resolution by this Court. Accordingly, we join in the request that the petition for certiorari in this case be granted.

Respectfully submitted,

ARCHIBALD COX,
Solicitor General.

March 1963.